

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, APRIL 26, 2005**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Larry Hudkins, Chair  
Deb Schorr, Vice Chair  
Bernie Heier  
Ray Stevens  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 19, 2005.**

**MOTION:** Schorr moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated April 19, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **CLAIMS FOR REVIEW:**

**A. County Sheriff - A payment voucher, dated March 22, 2005, payable to Jeffrey Bliemeister, in the amount of \$222.32. Payment includes \$100 for replacement of clothing destroyed during a homicide investigation while in Florida. There is not a provision in the Sheriff Deputy's contract to reimburse for ruined clothing.**

**MOTION:** Heier moved and Stevens seconded denial of that portion of the claim for replacement of clothing, in the amount of \$100. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **CLAIMS:** Approval of all claims processed through Tuesday, April 26, 2005.

**MOTION:** Workman moved and Stevens seconded approval of all claims processed through April 26, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

**A. Comprehensive Plan Amendment 05002, by the Director of Planning, at the request of the Lincoln-Lancaster County Metropolitan Planning Organization (MPO), to amend the Mobility and Transportation element of the 2025 Lincoln-Lancaster County Comprehensive Plan, by upgrading existing U.S. Highway 77 to freeway standards from Interstate 80 to the planned South Beltway interchange south of Saltillo Road.**

The Chair opened the public hearing and asked if anyone wished to testify in favor of the proposal.

The Clerk administered the oath to Mike Brienzo, Public Works and Utilities.

Brienzo presented the Comprehensive Plan amendment stating that Planning Commission recommended approval with an amendment which deleted all references to a Yankee Hill overpass.

The Chair asked if anyone wished to testify in opposition.

The oath was administered to each of the following individuals who appeared in opposition to the proposal and who expressed concerns regarding the following: the possibility of extending Rokeby Road east through Wilderness Park or constructing an overpass at Rokeby Road, environmental issues and the impact to Wilderness Park, cost and safety issues for bicycle enthusiasts.

- ▶ Phyllis Hergenrader, 5701 Yankee Hill Road, representing Friends of Wilderness Park. Submitted written comments (Exhibit 1).
- ▶ Rosina Paolini, 1850 Dakota Street, Lincoln, Nebraska
- ▶ Andrew Frazier, 5121 South 32<sup>nd</sup> Street, Lincoln, Nebraska
- ▶ Tom McCormick, 1406 D Street, Lincoln, Nebraska
- ▶ Tim Knott, 4310 Waterbury, Lincoln, Nebraska
- ▶ John Cochran, 3350 Cactus Court, Lincoln, Nebraska
- ▶ Robert Klein, 3200 North 57<sup>th</sup> Street, Lincoln, Nebraska

4) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

5) **OLD BUSINESS:**

**A. A grant contract with the Board of Regents, University of Nebraska-Center on Children, Families and the Law, to assist in the general operations of the Juvenile Court Improvement program, a project dedicated to improving the court and legal system for children, in the amount of \$2,000. Term of the grant contract is July 1, 2004 through June 30, 2005. (C-05-0163)**

**MOTION:** Stevens moved and Schorr seconded approval of a grant contract with the Board of Regents, University of Nebraska-Center on Children, Families and the Law, to assist in the general operations of the Juvenile Court Improvement program, a project dedicated to improving the court and legal system for children, in the amount of \$2,000. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS:**

**A. A resolution in the matter of Comprehensive Plan Amendment 05002, by the Director of Planning, at the request of the Lincoln/Lancaster County Metropolitan Planning Organization (MPO), to upgrade existing U.S. Highway 77 to freeway standards from Interstate 80 to the planned South Beltway interchange south of Saltillo Road, as provided in Exhibit "A". (R-05-0049)**

Hudkins asked if the resolution included reference to the Yankee Hill Road overpass.

Brienzo stated he didn't believe the resolution included the amendment proposed by Planning Commission.

Kristy Mundt, Deputy County Attorney, stated the resolution does delete all references to the Yankee Hill Road overpass.

6) **NEW BUSINESS INCLUDED:**

Workman suggested the Board also include language indicating that no consideration be given to the extension of Rokeby Road east.

**MOTION:** Workman moved approval of Resolution 05-0049 deleting all references to the Yankee Hill Road overpass subject to the inclusion of language that no consideration be given to the extension of Rokeby Road to the east over Wilderness Park.

Motion died for lack of a second.

**MOTION:** Heier moved and Stevens seconded approval of Resolution 05-0049.

Schorr offered a point of clarification that the resolution does include the deletion of all references to the study of a Yankee Hill Road overpass.

Discussion followed regarding the extension of Rokeby Road east.

**ROLL CALL:** Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

**B. A resolution denying County Change of Zone 04080 requesting a change of zone for property generally located at the northeast corner of Highway 2 and Highway 43 (South 162<sup>nd</sup> Street), from Ag Agricultural to I Industrial. (R-05-0050)**

**MOTION:** Heier moved and Workman seconded approval of Resolution 05-0050 denying County Change of Zone 04080 requesting a change of zone for property generally located at the northeast corner of Highway 2 and Highway 43 (South 162<sup>nd</sup> Street), from Ag Agricultural to I Industrial. Heier, Workman, Schorr and Hudkins voted aye. Stevens voted no. Motion carried.

**C. A resolution authorizing the installation of four temporary "No Parking" signs at the following locations: two signs for southbound traffic on South 134<sup>th</sup> Street, one north and one south of the Isaac Walton Drive and two signs for northbound traffic on South 134<sup>th</sup> Street, one north and one south of the Isaac Walton Drive. (R-05-0051)**

6) **NEW BUSINESS INCLUDED:**

**MOTION:** Heier moved and Workman seconded approval of Resolution 05-0051 authorizing the installation of four temporary "No Parking" signs at the following locations: two signs for southbound traffic on South 134<sup>th</sup> Street, one north and one south of the Isaac Walton Drive and two signs for northbound traffic on South 134<sup>th</sup> Street, one north and one south of the Isaac Walton Drive. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

**D. A resolution in the matter of adopting procedures and standards for administrating liquor license applications in Lancaster County, Nebraska. (R-05-0052)**

**MOTION:** Stevens moved and Heier seconded approval of Resolution 05-0052 in the matter of adopting procedures and standards for administrating liquor license applications in Lancaster County, Nebraska. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

**E. An interlocal agreement with the City of Waverly for two Sheriff's Deputies to provide law enforcement services within the corporate limits of the City of Waverly. Term of the agreement is July 1, 2005 to June 30, 2006. The County will be reimbursed up to \$142,320.23. (C-05-0220)**

**MOTION:** Workman moved and Stevens seconded approval of an interlocal agreement with the City of Waverly for two Sheriff's Deputies to provide law enforcement services within the corporate limits of the City of Waverly. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

**F. A letter agreement with Milliman for a request for proposal (RFP) for the County's medical benefit plan. Milliman currently provides consulting services for the County medical and dental employee benefit plans under County contract number C-04-0345. The RFP project began in mid-February, 2005 with a planned completion date of July 1, 2005. The County will pay \$8,666.67 for the services and receive a letter style report with attached exhibits showing Milliman's analysis, calculations and recommendations. (C-05-0221)**

6) **NEW BUSINESS INCLUDED:**

**MOTION:** Heier moved and Stevens seconded approval of a letter agreement with Milliman for a request for proposal (RFP) for the County's medical benefit plan. Milliman currently provides consulting services for the County medical and dental employee benefit plans under County contract number C-04-0345. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

**G. An agreement and addendum number one with AdvancePCS Health, L.P. to participate in the National Association of Counties (NACo) Prescription Drug Discount Card Program. The County will not be charged for such service, rather AdvancePCS will retain 100 percent of the rebates collected from manufacturers as reasonable compensation for its services. (C-05-0223)**

**MOTION:** Workman moved and Heier seconded approval of an agreement and addendum number one with AdvancePCS Health, L.P. to participate in the National Association of Counties (NACo) Prescription Drug Discount Card Program.

Workman explained that by entering into the agreement the County will be allowed to distribute prescription drug cards to any individual within Lancaster County to obtain a ten to 30 percent reduction on their prescription drugs.

**ROLL CALL:** Workman, Heier, Schorr and Hudkins voted aye. Stevens voted no. Motion carried.

**H. A change order supplemental agreement with L.J. Webb Contractor, Inc. for Project 05-29, which is for culvert replacement and maintenance. The original contract was approved on March 22, 2005. The change order will increase the contract amount by an additional \$510. (C-05-0224)**

**MOTION:** Stevens moved and Heier seconded approval of a change order supplemental agreement with L.J. Webb Contractor, Inc. for Project 05-29, which is for culvert replacement and maintenance. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

**I. An agreement between Skate Zone and Lancaster County, on behalf of Families First and Foremost, to rent the skating rink on May 17, 2005 from 6 p.m. to 9 p.m. as part of "May is Mental Health Month". The County will pay \$350 to rent the skating rink. (C-05-0225)**

6) **NEW BUSINESS INCLUDED:**

Mundt pointed out that Skate Zone has no general liability insurance as required by the County.

**MOTION:** Workman moved and Schorr seconded approval of an agreement between Skate Zone and Lancaster County, on behalf of Families First and Foremost, to rent the skating rink on May 17, 2005 from 6 p.m. to 9 p.m. as part of "May is Mental Health Month". Stevens, Schorr and Workman voted aye. Heier and Hudkins voted no. Motion carried.

Heier stated he was not against the function, however, he would have preferred to hold the item for discussion at a staff meeting.

Hudkins concurred.

**J. An agreement between the Lancaster County Engineering Department and Capital Appraisal Company, in the amount of \$3,500, to provide the County an appraisal consisting of two copies of the individual Parcel Reports in connection with the acquisition of right-of-way for Project C55-W-403(2), Southwest 2<sup>nd</sup> Street and Panama Road. (C-05-0226)**

**MOTION:** Stevens moved and Heier seconded approval of an agreement between the Lancaster County Engineering Department and Capital Appraisal Company, in the amount of \$3,500, to provide the County an appraisal consisting of two copies of the individual Parcel Reports in connection with the acquisition of right-of-way for Project C55-W-403(2), Southwest 2<sup>nd</sup> Street and Panama Road. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

**K. Renewal of a maintenance agreement with Environmental Systems Research Institute Inc. (ESRI) for ARC/Info software used by the County Engineering Department and the County Assessor/Register of Deeds office for their Geographic Information System (GIS), in the amount of \$14,534.25. The agreement covers technical support, software upgrades and User Conference registrations requested by the County Assessor/Register of Deeds office and the County Engineering Department. Term of the agreement is July 21, 2005 through July 20, 2006. (C-05-0234)**

6) **NEW BUSINESS INCLUDED:**

**MOTION:** Workman moved and Stevens seconded approval of the renewal of a maintenance agreement with Environmental Systems Research Institute Inc. (ESRI) for ARC/Info software used by the County Engineering Department and the County Assessor/Register of Deeds office for their Geographic Information System (GIS), in the amount of \$14,534.25. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

**L. An amendment to an agreement with BryanLGH Medical Center under County contract number C-03-0351 for professional nursing services for the Lancaster County Community Mental Health Center (CMHC). The County has notified BryanLGH that it no longer wishes to contract for the services of two registered nurses assigned at CMHC's outpatient clinic. As a result, the parties wish to amend the responsibilities section. (C-05-0222)**

**MOTION:** Schorr moved and Stevens seconded approval of an amendment to an agreement with BryanLGH Medical Center under County contract number C-03-0351 for professional nursing services for the Lancaster County Community Mental Health Center (CMHC). Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

**M. Recommendation from the Purchasing Agent and the Lancaster County Engineering Department to award a bid for concrete pavement repair (Project 05-19) to Pavers, Inc., in the amount of \$33,071. (B-05-0016)**

**MOTION:** Stevens moved and Heier seconded to award a bid for concrete pavement repair (Project 05-19) to Pavers, Inc., in the amount of \$33,071 as recommended by the Purchasing Agent and the Lancaster County Engineering Department. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

**N. Recommendation from the Purchasing Agent and the Lancaster County Engineering Department to award a bid for asphaltic concrete resurfacing and paving (Project 05-32) to Dobson Brothers Construction, in the amount of \$1,030,443.02. (B-05-0017)**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Stevens moved and Workman seconded to award a bid for asphaltic concrete resurfacing and paving (Project 05-32) to Dobson Brothers Construction, in the amount of \$1,030,443.02 as recommended by the Purchasing Agent and the Lancaster County Engineering Department. Workman, Schorr, Heier, Stevens and Workman voted aye. Motion carried.

**O. Recommendation from the Purchasing Agent and the Lancaster County Engineering Department to reject all bids for grading construction (Project 05-43). The bids were approximately 40 percent higher than the estimated cost, making the project over budget if awarded. (B-05-0018)**

**MOTION:** Heier moved and Stevens seconded to reject all bids for grading construction (Project 05-43) as recommended by the Purchasing Agent and the County Engineering Department. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

**P. Allowance Modification Number Three with Progressive Construction to add area drains on the south side of the building in connection with the Lancaster County vehicle storage facility. The Contingency/Discovery Allowance will be decreased by \$5,407.36. (C-05-0235)**

**MOTION:** Workman moved and Schorr seconded approval of Allowance Modification Number Three with Progressive Construction to add area drains on the south side of the building in connection with the Lancaster County vehicle storage facility. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

**Q. Allowance Modification Number Four with Progressive Construction Company to add telephone cabling in the bidding in connection with the Lancaster County vehicle storage facility. The Contingency/Discovery Allowance will be decreased by \$347.50. (C-05-0236)**

**MOTION:** Stevens moved and Schorr seconded approval of Allowance Modification Number Four with Progressive Construction Company to add telephone cabling in the bidding in connection with the Lancaster County vehicle storage facility. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**R. A political subdivision tort claim filed against the Corrections Department by Devon Michael for lost property, in the amount of \$300.**

**MOTION:** Schorr moved and Workman seconded denial of a political subdivision tort claim filed against the Corrections Department by Devon Michael for lost property, in the amount of \$300. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Receive and Place on File:**

- 1. Lincoln City Libraries Director's Report for March, 2005.**
- 2. Municipal Code of the City of Waverly, Nebraska - Ordinance 83-1.**

**B. Setting of public hearings for Tuesday, May 10, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:**

1. County Special Permit 04070, Whitetail Run Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Full House, L.L.C., for nine residential acreage units, with associated waiver requests, on property generally located northwest of the intersection of Southwest 14<sup>th</sup> Street and West Bennet Road in Lancaster County, Nebraska.

2. County Preliminary Plat 04032, Whitetail Run, requested by Brian D. Carstens and Associates on behalf of Full House, L.L.C., for nine residential acreage lots with associated waiver requests, on property generally located northwest of the intersection of Southwest 14<sup>th</sup> Street and West Bennet Road in Lancaster County, Nebraska.

**C. Setting of a public hearing for Tuesday, May 24, 2005 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding an application for Corporate Manager for Jason Lee Meininger in connection with an application for a Class B (Beer Off Sale) and a Class I (Bottle Club) liquor license for Hidden Valley Estates L.L.C. d/b/a Hidden Valley Golf Course, located at 10501 Pine Lake Road, Lancaster County, Nebraska.**

7) **CONSENT ITEMS CONTINUED:**

D. A leasehold contract relating to road improvements between the Lancaster County Engineering Department and Ron Dienert, in the amount of \$10, at approximately West Adams and Northwest 70<sup>th</sup> Streets; Project C55-M-407(1). (C-05-0227)

E. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- ▶ Norma J. and Harvey B. Dougherty and Timothy A. Dougherty, in the amount of \$1,136.75, approximately one-half mile east of the intersection at Southwest 2<sup>nd</sup> Street and Panama Road; Project C.P. W-113. (C-05-0228)
- ▶ Joe F. Feiler, Jr. and Phyllis M. Feiler, in the total amount of \$3,288, on Northwest 27<sup>th</sup> Street from West Alvo Road to Waverly Road; Project C55-F-415(3). (2 contracts) (C-05-0229 and C-05-0230)
- ▶ Charles Wiechert, Trustee, in the total amount of \$11,797.75, at approximately West Adams and Northwest 70<sup>th</sup> Streets; Project C55-M-407(1). (3 contracts) (C-05-0231 through C-05-0233)

**MOTION:** Schorr moved and Stevens seconded approval of the Consent Items. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

8) **EMERGENCY ITEMS:**

Gwen Thorpe, Deputy Chief Administrative Officer, requested an emergency item be added to the agenda for a job creation loan for Tractor Supply.

**MOTION:** Stevens moved and Workman seconded to add the item to the agenda. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

Thorpe explained that the State contacted Troy Gagner, Economic Development Coordinator, late Monday afternoon indicating they need the job creation loan in their offices on Wednesday morning. She stated it is a request for the release of funds and certification that the required environmental impact studies have been completed. Thorpe stated the financing agreement and memorandum of understanding would be on a future agenda.

**MOTION:** Workman moved and Heier seconded approval of the request for release of funds and certification in connection with a job creation loan for Tractor Supply. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

9) **ADJOURNMENT:**

**MOTION:** Schorr moved and Steven seconded adjournment of the Board of Commissioners meeting at 2:53 p.m.. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, APRIL 26, 2005  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Larry Hudkins, Chair  
Deb Schorr, Vice Chair  
Bernie Heier  
Ray Stevens  
Bob Workman

Others Present: Connie Ahlschwede, County Assessor/Register of Deeds Office  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 2:53 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 19, 2005.**

**MOTION:** Schorr moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated April 19, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 197 additions and deductions to the tax assessment rolls per Exhibit A.**

**MOTION:** Workman moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Food Bank of Lincoln, Inc.  
Grace Lutheran Church**

**MOTION:** Stevens moved and Schorr seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded adjournment of the Board of Equalization at 2:55 p.m.. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
County Clerk